



# PUBLIC NOTICE

Federal Communications Commission  
445 12th St., S.W.  
Washington, D.C. 20554

News Media Information 202 / 418-0500  
Fax-On-Demand 202 / 418-2830  
TTY 202 / 418-2555  
Internet: <http://www.fcc.gov>  
<ftp.fcc.gov>

**DA 00-230**  
**Released February 9, 2000**

## **WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON REQUEST FOR WAIVER BY DATARADIO CORPORATION FOR EXEMPTION FROM RULE REQUIRING TRANSMITTER CAPABILITIES ON INTEROPERABILITY CHANNELS**

**Comment Date: March 10, 2000**

**Reply Comment Date: March 27, 2000**

On December 20, 1999, Dataradio Corporation (DATARADIO), which, with its affiliates, develops and manufactures wireless products and networks supporting data applications for mobile and fixed uses in the public safety and private wireless communities, requested a waiver of Section 90.547 of the Commission's Rules, 47 C.F.R. § 90.547. Section 90.547 provides, "Mobile and portable transmitters designed pursuant to standards adopted by the National Coordination Committee to operate in the 764-776 MHz and 794-806 MHz frequency bands must be capable of operating on any of the designated nationwide narrowband interoperability channels approved by the Commission."

By way of background, in 1998 the Commission reallocated TV channels 63-64 (764-776 MHz) and 68-69 (794-806 MHz) (collectively, the 700 MHz band) for use by public safety services. The channels were designated for general use (fifty-three percent of the 700 MHz band), interoperability (ten percent), or held in reserve for later designation (thirty-seven percent). Subsequently, the National Coordination Committee (NCC) a federally chartered advisory committee, was established, *inter alia*, to formulate and submit for Commission review and approval an operational plan, including technical standards, to achieve nationwide interoperability in the 700 MHz band.

In support of its Request, DATARADIO asserts that it will be several years before interoperability standards are developed by the NCC and approved by the Commission, and that it will be impossible to manufacture narrowband public safety radios that comply with Section 90.547 until then. DATARADIO argues that the deployment of the general use channels will thus be delayed by the lengthy consideration of technical standards for the interoperability channels. It contends that waiver of Section 90.547 will, in the interim, permit it and others to market non-interoperable state-of-the-art data-only radios that employ only general use channels, and that this will allow many public safety users to meet critical and immediate spectrum shortages pending development of interoperability standards.

Interested parties may file comments on the Request on or before March 10, 2000. Parties interested in submitting reply comments must do so on or before March 27, 2000. All comments should reference the subject Request, including the DA number of this Public Notice, and should be filed with the Office of the Secretary, Federal Communications Commission, 445 12<sup>th</sup> Street, S.W., TW-A325, Washington, D.C. 20554. A copy of each filing should be sent to International Transcription Services, Inc. (ITS), 1231 20<sup>th</sup> Street, N.W., Washington, D.C. 20036, (202) 857-3800, and to Bert Weintraub, Federal Communications Commission, Wireless Telecommunications Bureau, Public Safety and Private Wireless Division, Policy and Rules Branch, 445 12<sup>th</sup> Street, S.W., Room 3-A230, Washington, D.C. 20554.

The full text of the Request, comments, and reply comments will be available for inspection and duplication during regular business hours in the Reference Information Center (RIC) of the Consumer Information Bureau, Federal Communications Commission, 445 12<sup>th</sup> Street, S.W., Room CY-A257, Washington, D.C. 20554. Copies also may be obtained from ITS. For further information regarding the public reference file for this Request, contact Maria Ringold, Chief, Wireless Branch, RIC, (202) 418-1350.

Unless otherwise provided, requests for waiver of the Commission's Rules are subject to treatment by the Commission as restricted proceedings for *ex parte* purposes under Section 1.1208 of the Commission's Rules, 47 C.F.R. § 1.1208. Because of the policy implications and potential impact of this proceeding on land mobile and public safety licensees not parties to the waiver request, we believe it would be in the public interest to treat this case as a permit-but-disclose proceeding under the *ex parte* rules. See 47 C.F.R. §§ 1.1200(a), 1.1206. Therefore, subsequent to the release of this Public Notice, *ex parte* presentations that are made with respect to the issues involved in the subject Request will be allowed but must be disclosed in accordance with the requirements of Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206(b).

For further information, contact Bert Weintraub of the Policy and Rules Branch of the Public Safety and Private Wireless Division of the Wireless Telecommunications Bureau at (202) 418-0680, TTY (202) 418-7233.

By the Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau.

- FCC -